

REMARKS

Claims 13, 14 and 16-19 and 47-55 are pending. Claims 1-12 and 20-46 are cancelled.
Claims 13 and 47 are currently amended. Claim 52-55 are added.

Support for the amendments to claims 13 and 47 may be found in the specification as originally filed, for example, the paragraph bridging pages 25-26, page 26, lines 20-30, pages 26, lines 31-35 and page 29, lines 3-13. For example, the description on page 25, line 25-page 26, line 4 discloses ceramic materials, which are known as brittle materials. .

I. The Information Disclosure Statements

An Information Disclosure Statement is being filed concurrently herewith. Additionally, an Information Disclosure Statement was filed November 27, 2007. Consideration is requested.

I. The Rejection under 25 U.S.C. 112

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite.

The Examiner states that the velocity range recited in claim 15 does not further limited the speed range recited in the base claim 13.

Claim 15 is cancelled. Therefore, the rejection under 35 U.S.C. 112, second paragraph, is moot and withdrawal is requested.

II. The Rejections Based on Renn in view of Hatono

Claims 13-18, 47 and 50-51 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Renn (US 2003/0048314 of record) in view of Hatono (US 7,175,921).

Claim 19 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Renn taken with Hatono and further in view of Matsuo (US 6,504,227 of record).

Claim 48 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Renn taken with Hatono and further in view of Hara et al. (US 2001/003122 of record).

Claim 49 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Renn taken with Hatono and further in view of Hasegawa et al. (US 6,717,218 of record).

Claims 13-18, 47 and 50-51 stand rejected under 35 U.S.C.103(a) as being unpatentable over Renn in view of Hatono.

Applicants respectfully submit that the present invention is obvious over the disclosures of Renn in view of Hatono, alone or in view of the secondary references, and request that the Examiner reconsider and withdraw these rejections in view of the following remarks.

As set forth in amended claims 13 and 47, the recitation that "said film forming step for forming said dielectric film being conducted by generating and ejecting dry aerosol of a fine and brittle solid particle material together with said carrier gas" has been clarified to state that the dry aerosol consists essentially of a fine and brittle solid particle material together with a carrier gas. As noted above, the present specification teaches the use of various ceramic materials, which are brittle.

As correctly admitted by the Examiner, Renn fails to teach the feature of ejecting dry aerosol into reduced pressure environment with a speed of 200-400m/seconds.

Hatono teaches the technology of ejecting aerosol of a brittle material and at the same time a ductile material. See Hatono, the abstract and claim 1. Contrary to Hatono, the present invention as set forth in amended claims 13 and 47 ejects the aerosol consisting of brittle

materials and a carrier gas.

Renn is also silent about the feature of ejecting dry aerosol of brittle materials.

In view of the above, the present invention as set forth in amended claims 13 and 47 would not have been obvious to one skilled in the art in view of the combination of Renn and Hatono. The secondary references do not overcome the deficiencies in the primary references set forth above.

Applicants have also added new independent claims 52 and 53 including the recitation of forming a resist pattern and spraying the dry aerosol upon such a resist pattern. See, for example, Applicants' specification, page 44, line 8, page 46, line 3, and the like.

Applicants have also added new independent claim 54 reciting the feature of forming a capacitor on a resin film by forming a ceramic film on the lower electrode formed on the resin film by way of the aerosol deposition process. In new claim 55, Applicants have added the recitation of forming a resist pattern and forming the ceramic film while using the resist pattern as a mask.

For the above reasons, it is respectfully submitted that the subject matter of claims 13, 14 and 16-19 and 47-55 is neither taught by nor made obvious from the disclosures of Renn in view of Hatono, alone or in view of the secondary references, and it is requested that the rejections under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Amendment Under 37 C.F.R. §1.111
Application No. 10/820,114
Attorney Docket No. 042307

III. Conclusion

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the rejection under 35 U.S.C. §112 and the rejection under 35 U.S.C. §103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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